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FM AMEMBASSY JAKARTA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4841  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHJA/AMCONSUL SURABAYA PRIORITY 1791

UNCLAS SECTION 01 OF 02 JAKARTA 001460

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FOR EAP/RSA, G/TIP, EAP/MTS

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [ELAB](#) [KWMN](#) [SMIG](#) [ID](#)

SUBJECT: MIGRANT WORKERS ASSOCIATION PROTEST CASE OF  
INDONESIANS TRAFFICKED IN U.S.

REF: A. JAKARTA 1457 B. JAKARTA 1056

11. Summary. Migrant worker rights activists demonstrated in front of the U.S. Embassy May 23 protesting Indonesian and U.S. protection of migrant workers' rights in light of the case of two Indonesian domestic workers recently rescued from alleged enslavement from an affluent Long Island home. Following the demonstration, the event's leader met with Emboff and fully accepted our explanation about how the case is being prosecuted and the welfare of the two women is being protected under the Victims of Trafficking and Violence Protection Act (TVPA). He pledged to publicize how the victims' rights are being protected. End Summary.

12. A group of about forty members of the Indonesian Migrant Workers Association (SBMI) demonstrated in front of the U.S. Embassy (ref. A) and the Indonesian Foreign Ministry May 23 to express their dissatisfaction with Indonesia's protection of migrant workers in light of the recently publicized case of two Indonesian female domestic workers, Enung and Sumirah, allegedly enslaved by a wealthy couple on Long Island. According to U.S. media reports, the couple, Varsha Mahender Sabhnani and her husband, Mahender Murlidhar Sabhnani, have been arraigned in Eastern District Court under a federal trafficking law for obtaining "the labor and services of another person by use of threats of serious harm to and physical restraint against that person." They allegedly severely abused, underpaid and overworked two Indonesian women over the several years they were trapped in the family's affluent home. The couple is reportedly free on USD 3 million bail with electronic monitoring to guard against flight.

13. The May 23 demonstration followed increasing media attention about the case in Indonesia. Demonstrators dramatized the trafficking, torture and arrests of the traffickers during their 90-minute display, also issuing a press release, entitled, "Act of Solidarity with Enung and Sumirah: Torture Against Enung and Sumirah Proves the (Indonesian) Nation's Weakness in Protecting Migrant Workers." The release claimed that this case proves the U.S. is not much different from Indonesia in protecting human rights, citing the USD 3 million bail as proof that the "U.S. still favors money." The release called on the U.S. to quickly prosecute this case and to protect the women's rights as migrant workers. The release also strongly criticized Indonesia's protection of migrant workers.

14. The two Indonesian domestic workers, Sumirah and Enung, were actually brought to the U.S. separately in 2002 and 2004 respectively by Indian nationals residing in Indonesia, according to our Consular Section. Sumirah obtained a B1 visa in 2002 to travel with her employer, Mrs. Gianchandani, the accused couple's mother. Enung received her visa in 2004 to travel with her employers, a couple, Kareena and Deepak

Kirpalani, relationship to the accused unknown.

15. Labor Officer met with SBMI Chairman Choirul Anam following the demonstration to respond to concerns about this case. We told Choirul that based on media reports, it appears that federal prosecutors and the court have taken swift action and a strong stance on this case. We explained that the bail was set high and that bail is a common right enjoyed by all Americans, and that with electronic monitoring the couple would be closely watched. We said that both G/TIP and the Embassy are very concerned about this case and following it closely. Choirul immediately understood the explanation and accepted that bail was not equivalent to bribing one's way out of jail, apologizing for the misunderstanding. We also gave him copies of the September 2005 Assessment of U.S. Government Efforts to Combat Trafficking in Persons and the May 2007 Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons FY-2006. We highlighted for Choirul in some detail the extensive legal protection, victim assistance and international support under the 2000 TVPA and the TVRPA of 2003 and 2005. Choirul took notes and said he would set the record straight with the media and with SBMI partner organizations with a new release based on our conversation. We discussed other ways we can work closely together to protect workers from being trafficked, and the Labor Officer said he would keep SBMI apprised of developments in the U.S. case.

16. SBMI was formed by former migrant workers in 2006. Many of its members are former trafficking victims, such as Choirul, who was enslaved for a time in Saudi Arabia. SBMI says it has branches in nine provinces and 40 cities across Indonesia, as well as in seven countries: Malaysia, Saudi

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Arabia, Hong Kong, Macau, Taiwan, Singapore and Brunei.

17. Choirul spoke positively of the newly formed National Agency for the Placement and Protection of Indonesia Overseas Workers (BNP2TKI), and its chairman, former labor activist Jumhur Hidayat, confirming what we reported in ref B. SBMI has been working as a partner with the agency in proactively protecting migrant workers rights overseas and at points of entry. Choirul also said the agency's new migrant worker recruitment and placement system is almost in place and is being implemented on a trial basis in two cities: Malang, East Java and South Cianjur, West Java. The new system follows the recommendation of SBMI, and other labor rights organizations such as Solidarity Center, by removing job placement agencies from the recruitment process, thus hopefully removing one profitable motive for entrapping workers into debt bondage. BNP2TKI will manage recruitment directly through local offices nationwide, using local unemployed manpower. In some cases BNP2TKI will place workers directly overseas in Government-to-Government agreements, Choirul said, while in other cases job placement agencies will continue to make placements. SBMI has been included in the entire process as a watchdog.

18. Choirul said SBMI is still pushing BNP2TKI and the foreign ministry to renegotiate the May 2006 migrant worker MOU with Malaysia which cedes many basis worker rights. At SBMI's urging, BNP2TKI is aggressively negotiating better salary and conditions for workers, and this resulted in BNP2TKI announcing a wage hike for Indonesian workers in Singapore from 280 to 350 Singapore dollars a month beginning July 1, the first raise in 10 years. Jumhur Hidayat told the media the new wage will take effect on July 1 and must be stipulated in all work order, placement and work agreements. The number of months' salary deducted by employment agencies as fees for job placement in Singapore will also be reduced from seven to five months under this new directive. (Per ref B, we have urged Hidayat to shift all fees and costs to the employers, thus reducing one source of debt bondage).

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